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PEHR JANSSON, ATTORNEY AT LAW 7628 PARKVIEW CIRCLE AUSTIN, TX 78731			BHATIA, AJAY M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/014,820

**Applicant(s)**

DU CASTEL ET AL.

**Examiner**

Ajay M. Bhatia

**Art Unit**

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments filed 6/7/05 have been fully considered but they are not persuasive, in regards to claims 1-29.

Examiner would like to note that the remarks address currently have an incorrect heading, of application 09/946,11. Examiner assume that he has addressed the correct remarks because the cover sheet of the remarks address application 10/014820 the current application, and additionally addresses the art cited. In addition applicant has repeated the same grounds of rejection that examiner had used in his non-final action. The majority of applicant's arguments are centered on the definition of the term "characteristic of the content." Examiner has interpreted the term from specification because the applicant has explicitly defined the term in the specification. Applicant has defined the term characteristic of the content" as, "characteristics inherent to the content and relative to caching, independent of metadata such as file names, date stamps and the like" (page 9 of specification lines 10-12). Examiner additionally made use of the specification of the applicant to provided a context of the definition because it causes confusion since it included the broad terminology "inherent to the content." Additionally the definition used the negative language "independent of metadata." This additionally cause confusion since the interpretation "independent of metadata" broad interpreted, would include all the "characteristics inherent to the content." Since the term metadata is data about data (provided from the Microsoft Computer Dictionary Fifth Edition), which would encompass "characteristics inherent to the content" since it was not the content itself but information (data) about the content. Therefore make the definition

“characteristic of the content” have no meaning, because nothing is able to meet the limitation of “characteristic of the content.”

Therefore the examiner looked to the specification strictly interpret the term “characteristic of the content,” since it has no other meaning then the one provided by the examples within the specification that make use of the terminology. Page 11 of the specification, the paragraph beginning on line 17, the applicant shows an example in which the characteristic of the content is that it is either static or dynamic, static meaning the content does not change and dynamic meaning that the content is variable. The other definition of the term “characteristic of the content” was provided in page 6 of the specification lines 28-32, in which the applicant defines the a characteristic to include “determination as to the level of inactivity and plurality of predetermined parameters for adjusting the content.”

Arguments addressing claim 1, depend solely upon the interpretation of the “characteristics of the content” which the examiner has addressed above.

Arguments addressed to claims 12, are directly to a newly added limitation, therefore the examiner has addressed the newly added limitation with a new grounds of rejection. Therefore the arguments are moot due to the new ground of rejection for claim 12, and its dependent claims.

Arguments addressed to claim 14, are partly dependent upon the argument addressed above. The other arguments are addressed to newly added limitation which are addressed below in the rejection, and therefore also apply to the dependent claims the depended upon claim 14. Examiner has addressed the newly added limitation with a

new grounds of rejection. Therefore the arguments are moot due to the new ground of rejection for claim 14, and its dependent claims.

Arguments addressed to claim 23, are dependent upon the newly added limitation which are addressed below in the rejection, and therefore also apply to the dependent claims the depended upon claim 23. Examiner has addressed the newly added limitation with a new grounds of rejection. Therefore the arguments are moot due to the new ground of rejection for claim 23, and its dependent claims.

Arguments addressed to claim 4, address "action done prior to manufacture." Examiner notes that from reading the arguments the applicant maybe slight confused about the rejection. Since applicant's argument includes a portion of the application not cited in the rejection. Examiner interpreted the cited part of Sloan (Sloan, Col. 6 lines 45-62), examiner is combining the feature that Sloan included an application which is that static determining part done prior to manufacture, and the dynamic retrieval part of receiving the pin, which gives support for that it is obvious to make use of a smart card to contain static content prior to manufacture (the application, also see Col. 2 lines 16-27) and dynamic content retrieved to interact with the static content (the pin). Since the combination of the static (the application and the dynamic (the pin) creates a complete usable content, which Sloan teaches.

Arguments addressed to claim 9, are dependent upon the newly amended limitation. examiner has addressed the newly added limitation with a new grounds of rejection. Therefore the arguments are moot due to the new ground of rejection for claim 9, and its dependent claims.

Arguments addressed 11, again addresses the issue of the “characteristic of the content” which is addressed above, additionally the argument address the limitation “caching of fragments” which Sloan discusses in Col. 5 lines 55-67, in which Sloan discusses caching of the most recent transaction which is now a cached set of file for the smart card.

Arguments addressing claim 8, are merely cursory, they again depend upon “characteristic of the content” which was addressed the first time that applicant mention it above and merely suggest with no concert support that the combination of Schloss and Challenger is non obvious.

Arguments addressing claim 17, address none of the limitation of claim 17 but the independent claim 14, from which it depends, which is addressed above. Therefore the applicant has provided the majority of his arguments in addressing the “characteristic of the content” which fails to persuade the examiner that the application overcome the prior art. The remainder of the arguments are addressed to newly added limitations which are moot since the examiner has yet to address them with a rejection and therefore are address below in the rejection and arguments that depend from the previous arguments. Additionally examiner unclearly why when applicant has argued the prior art yet has amended depend claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-7, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by

Schloss et al. (U.S. Patent 6,249,844 referred to as Schloss).

For claim 1, Schloss teaches, a method for reducing transmissions of content between a gateway and one or more clients, the method comprising:

determining a plurality of characteristics of content, including at least one static characteristic of content; and

sharing the determination of the plurality of characteristics of content with the gateway and the one or more clients, the sharing to enable the gateway to filter content for transmission to the one or more clients based on the plurality of characteristics thereby reducing an amount of content for transmission between the gateway and the one or more clients. (see Schloss, Col. 5 line 57 to Col. 6 line 30)

For claim 2, Schloss teaches, the method of claim 1 further comprising:

updating the gateway with a later determination of the plurality of characteristics of content, the updating including adding data to a container associated with the gateway. (see Schloss, Col. 5 line 57 to Col. 6 line 30)

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For claim 3, Schloss teaches, the method of claim 2 wherein the container is a database. (see Schloss, Col. 5 lines 37-52)

For claim 5, Schloss teaches, the method of claim 1 wherein the determining is done by one or more of a user of the client and an issuer of the client. (see Schloss, Col. 5 line 57 to Col. 6 line 30)

For claim 6, Schloss teaches, the method of claim 5 wherein the issuer identifies static content via a communication with the gateway. (see Schloss, Col. 7 lines 48-67)

For claim 7, Schloss teaches, the method of claim 5 wherein the user identifies static content via a setup program. (see Schloss, Col. 7 lines 48-67)

For claim 10, Schloss teaches, the method of claim 1 further comprising:  
recording one or more unique identifiers associated with the determination of the plurality of characteristics of content, the unique identifier identifying content chosen for caching according to at least one characteristic of the plurality of characteristics of content;  
comparing the unique identifier to a list of unique identifiers recorded by the gateway;  
and  
if the list holds the unique identifier, transmitting to the client the content as filtered by removing content identified by the unique identifiers. (see Schloss, Col. 7 lines 48-67)



Claims 12-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoyle (U.S. Patent 6,141,010).

For claim 12, Hoyle teaches, a computer readable storage medium comprising computer instructions for:

reading a container, the container identifying content not to be distributed according to at least one characteristic of the content, including a determination of usefulness of the content to a user; (see Hoyle, Col. 8 lines 53-63, usefulness is the demographic information which is used to adapt the information to the user)

comparing the container with received content for distribution to a client; and

if the container identifies the received content as including one or more subsets of content identified as not to be distributed, filtering the subsets from the content. (see Hoyle, Col. 8 lines 36-52, filtering subsets is done during display and retrieval of content since content is retrieved based upon demographic information, and display according to what is required for the location)

For claim 13, Hoyle teaches, the computer readable storage medium of claim 12 wherein the container is a one of a database and a file list. (see Hoyle, Col. 7 lines 48-57, Col. 9 lines 1-11, the ADM is a database and a file list)

For claim 14, Hoyle teaches, a method of managing content in a gateway, the method comprising:

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reading a container, the container identifying content not to be distributed according to at least one characteristic of the content independent of static and/or dynamic characteristic of the content; (see Hoyle, Col. 8 lines 53-63, Col. 8 lines 36-52 based on demographics info)

comparing the container with received content for distribution to a client; and if the container identifies the received content as including one or more subsets of content identified as not to be distributed, filtering the subsets from the content. (see Hoyle, Col. 8 lines 36-52)

For claim 15, Hoyle teaches, the method of claim 14, further comprising:

if the subsets from the content are filtered, inserting one or more unique identifiers into the content. (see Hoyle, Col. 5 lines 47-65, Col. 9 lines 1-11, associate with category identify and in addition to the identifier in the content)

For claim 16, Hoyle teaches, the method of claim 15 wherein the gateway transmits the filtered content to the client via a communication channel in response to a request for content for loading a linked set of files defining a web page, the linked set of files including content having a static characteristic and dynamic content, wherein the content identified as having at least one static characteristic is associated with the one or more unique identifiers. (see Hoyle, Col. 5 lines 47-65)

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For claim 17, Hoyle teaches, the method of claim 14 wherein the gateway has a contractual relationship with the client. (see Hoyle, Col. 6 line 62 to Col. 7 line 12, the contractual relation ship is that the program is provided with the advertising system, and user is able to make use of the program with the presence of the advertising)

For claim 18, Hoyle teaches, the method of claim 14 wherein the characteristics of the content include a static characteristic of the content. (see Hoyle, Col. 5 lines 47-65)

For claim 19, Hoyle teaches, the method of claim 14 wherein the characteristics of the content include a plurality of characteristics according to one or more of a determination as to a level of inactivity and a plurality of predetermined parameters for adjusting the content. (see Hoyle, Col. 5 lines 47-65, Col. 7 lines 48-57)

For claim 20, Hoyle teaches, the method of claim 14 wherein the content is stored on a machine readable medium coupled to a first digital machine and wherein the first digital machine transmits content via a communication channel to a second digital machine, wherein:

the characteristic of the content associated with the container is a static characteristic; the comparing includes determining whether the container identifies content for distribution to second digital machine that is held in a cache of the second digital machine; and (see Hoyle, Col. 7 lines 1-11, Col. 7 lines 26-46, it is inherent form the context of the citation that the system support a multiple computers)

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if the second digital machine cache holds content identified in the container, the content is stored in a readable/writeable memory locally coupled to the second digital machine.

(see Hoyle, Col. 10 lines 35-51)

For claim 21, Hoyle teaches, the method of claim 20 wherein the second digital machine is one of a personal computer, a portable computing device, and a mobile telephone.

(see Hoyle, Col. 7 lines 26-46)

For claim 22, Hoyle teaches, the method of claim 20 wherein the second digital machine is configured to execute one or more of telephony, appointment planning, and personal computing. (see Hoyle, Col. 7 lines 26-46, Col. 7 lines 1-11, a feature inherent to windows operating system)

For claim 23, Hoyle teaches, a system comprising:

a processor;

a first memory coupled to the processor; (see Hoyle, Col. 7 lines 1-11, Col. 7 lines 26-46)

a first instruction set operable with the processor to compare a container in the memory to determine whether content for transmission matches at least a subset stored in a second memory within a receiving device, wherein the subset is identified as static content previously cached in the receiving device and content previously identified as

not to be transmitted to the receiving device; and (see Hoyle, Col. 8 lines 53-63, Col. 8 lines 36-52)

a second instruction set operable with the processor to filter the content for transmission by removing the subsets. (see Hoyle, Col. 8 lines 53-63, Col. 8 lines 36-52)

For claim 24, Hoyle teaches, the system of claim 23 wherein the system is a gateway configured to transmit filtered content to the receiving device. (see Hoyle, Col. 5 lines 47-65)

For claim 25, Hoyle teaches, the system of claim 23 wherein the second instruction set further inserts a plurality of unique identifiers into the filtered content, the plurality of unique identifiers marking the filtered content for the receiving device to insert cached content. (see Hoyle, Col. 5 lines 47-65)

For claim 26, Hoyle teaches, the system of claim 23 further comprising a transmitter responsive to the determination of the first and second instruction sets. (see Hoyle, Col. 5 lines 47-65, Col. 8 lines 36-52)

For claim 27, Hoyle teaches, the system of claim 23 wherein the receiving device is one of a smart card and a memory module coupled to one of a mobile telephone, a personal digital assistant, a personal computer, and a mobile computing device. (see Hoyle, Col. 7 lines 26-46, Col. 7 lines 1-11)

For claim 28, Hoyle teaches, the system of claim 23 wherein the memory includes:  
storage for the content with the static characteristic; and  
a database for holding a list of unique identifiers. (see Hoyle, Col. 7 lines 48-57)

For claim 29, Hoyle teaches, the system of claim 25 wherein:  
the receiving device receives the plurality of unique identifiers via a communication  
channel in response to a request for content for loading a linked set of files defining a  
web page, the linked set of files including content having a static characteristic and  
dynamic content, wherein the content identified as having at least one static  
characteristic is associated with the plurality of unique identifiers. (see Hoyle, Col. 5  
lines 47-65, Col. 7 lines 48-57)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Schloss in view of Sloan (U.S. Patent 6,179,205).

For claim 4, Schloss teaches, the method of claim 1 wherein the determining is done one of:

after manufacture of the one or more components for the client, the client or the gateway performing the determining according to decisions one or both of by the client and the gateway.

Schloss fails to teach, prior to manufacture of one or more components for the client, the components including one or more of a smart card, a removable device for a computer system, and a wireless transmission component for the client; (see Schloss, Col. 5 line 57 to Col. 6 line 30)

Sloan teaches, prior to manufacture of one or more components for the client, the components including one or more of a smart card, a removable device for a computer system, and a wireless transmission component for the client; (see Sloan, Col. 6 lines 45-62)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Schloss with the method of Challenger are improving the capabilities of non computer devices. (see Schloss, Col. 1 lines18-36) and (see Sloan, Col. 1 lines 25-40)

For claim 11, Schloss-Sloan teaches, the method of claim 1 wherein the determining one or more characteristics provides a cached set of files for a smart card. (see Sloan,

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Col. 6 lines 45-62) The same motivation that was utilized in the rejection of claim 4, applies equally as well to claim 11.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schloss in view of Challenger et al. (U.S. Patent 6,507,891 referred to as Challenger).

For claim 8, Schloss fails to teach, the method of claim 1 wherein the determining is done dynamically by the gateway, the gateway running software adapted to determine whether content is cached in the one or more clients.

the method of claim 1 wherein the determining is done dynamically by the gateway, the gateway running software adapted to determine whether content is cached in the one or more clients. (see Challenger, figure 5 and Col. 7 lines 47-67)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Schloss with the method of Challenger because both disclose information improvements to web browsing software. (see Schloss, Col. 1 lines 37-51) and (see Challenger, Col. 1 line 58 to Col. 2 line 15)

Claims 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schloss-Sloan in view of Hoyle (U.S. Patent 6,141,010).



For claim 9, Schloss-Sloan teaches, the method of claim 4 wherein the decisions include one or more of:

a decision that an identified content type will be cached in the client and require updating according to a predetermined frequency;

a decision regarding a number of bytes for each transmission;

a decision regarding an amount of time for a transmission;

a contractual agreement regarding reduced transmissions;

a decision made via a setup program for governing transmissions; and

a decision with respect to a static characteristic of a linked set of files for a web site, the linked set of files having a hierarchy, wherein the linked set of files is shared with the gateway with the static characteristic determining the filtering of the content. (see Schloss, Col. 6 lines 30-57) The same motivation that was utilized in the rejection of claim 4, applies equally as well to claim 9.

Schloss-Sloan fail to clearly disclose, two

Hoyle teaches, two (see Hoyle. Col. 15 lines 48-53, a display hierarchy, Col. 7 lines 47-57, all banner that are cached are inherently dynamic information, in addition banners are periodically retrieved and cached in the ADM, Col. 8 lines 41-46)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Schloss-Sloan's method of providing static and dynamic content with the use of a smart card to store static content and Hoyle's second

method of decision. Since it is well known in the art that decision are done using boolean logic in computers, and the addition of additional decision improves the adaptability of the program to tailor itself to the user. These concepts are fundamental to design and development of software.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached UPSTO 892 (if appropriate).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER